

David J. Groesbeck
WSBA No. 24749
David J. Groesbeck, P.S.
1333 E. Johns Prairie Rd
Shelton, Washington 98584
Tel.: 509-747-2800
Fax: 509-747-2828
Email: david@groesbecklaw.com

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

PARLER LLC,

Plaintiff,

V.

AMAZON WEB SERVICES, INC.

No. 2:21-cv-00031-BJR

Defendant

DECLARATION OF
AMY PEIKOFF

PEIKOFF DECLARATION - 1



David J. Groesbeck, P.S.
Attorney and Counselor
1333 E. Johns Prairie Rd
Shelton, Washington 98584
(509) 747-2800

1 The undersigned declares as follows:

2 1. I am the Chief Policy Officer at Parler LLC. I am over the age of 18
3 years and have personal knowledge, and competence to testify if needed, of the
4 matters set forth herein through firsthand knowledge and review of corporate
5 documents kept in the ordinary course of business.

6 2. As Chief Policy Officer, I have been primarily responsible for working
7 with Amazon Web Services, Inc. (“AWS”) to address or remove any content that
8 AWS or others have brought to Parler’s attention as inappropriate. As soon as
9 possible whenever notified, I have either personally reviewed and taken down
10 problematic content flagged by AWS or others or submitted it to our Community
11 Jury for review in accordance with our Terms of Service.

12 3. In November, AWS flagged a problem with Parler users posting
13 pornography. Parler effectively addressed the issue by dedicating a special task
14 force, composed of both jury members and support staff, to eradicating it.

15 4. As a result of interactions with AWS, Parler has become increasingly
16 proactive. For instance, since early-to-mid December 2020, Parler has been
17 working towards incorporating an Artificial Intelligence (“AI”) recognition system
18 to pre-screen inappropriate content, such as pornography or material that
19 encouraged or incited violence, in the beginning of 2021. AWS knew by mid-
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21 PEIKOFF DECLARATION - 2



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1 December about Parler's plans to implement such a system, and even suggested
 2 that Parler use Amazon's own AI system for that purpose. Ex. B.
 3

4 5. Previously, however, Parler has generally relied on a jury system,
 5 wherein Parler users would report content, and a panel of jurors would vote as to
 6 whether to assign violation points or remove problematic content according to
 7 Parler's Community Guidelines. The Parler "jury pool" received significant
 8 training about the terms of service and what constituted violations of them,
 9 including that Parler had no tolerance for inciting violence and lawbreaking.
 10

11 6. On November 17, 2020, AWS sent Parler some content it had flagged
 12 as encouraging or inciting violence. Over the next four weeks, AWS would
 13 occasionally send additional Parler user content it had flagged.
 14

15 7. The last such email before January 8, 2021, was sent by AWS on
 16 December 19, 2020. Thus, from December 19, 2020 until January 8, 2021, AWS did
 17 not flag any specific problematic content to Parler.
 18

19 8. In none of these emails prior to January 8, 2021, did AWS state that
 20 Parler's systems or efforts to police and remove violent content, including its jury
 21 system, amounted to a breach of contract.
 22

23 9. On January 6, 2021, AWS forwarded to Parler a generic complaint
 24 about problematic content, but without any particular examples. Ex. G. That same
 25 day I responded, informing AWS that Parler had been dealing appropriately with
 26
 27
 28



1 this content, including cooperating with law enforcement, and offered to get on a
 2 call do discuss the measures we were taking. (We had added an escalation
 3 procedure since the December 19 communication, plus had posted on workable a
 4 job listing for new members of a “Community Guidelines Enforcement Task Force.”

5
 6 Ex. G.
 7

8 10. The next day, January 7, 2021, AWS responded via email that the
 9 previous email was just for Parler’s information and to consider the matter
 10 “resolved.” Ex. G. Thus, before January 8, 2021, Parler had no communication to
 11 the effect that AWS considered Parler to have an ongoing problem, that Parler’s
 12 current and future plans for content moderation were deficient, or that Parler was
 13 violating the User Agreement.
 14

15 11. What is more, per our Chief Technical Officer, AWS admitted to
 16 Parler in an email on December 16, 2020, from an AWS Technical Account
 17 Manager, that he “used to receive more than a dozen report [sic] per day for another
 18 customer” and that “Twitter is moving their timeline workload into AWS[,] which
 19 I can imagine will mean more abuse for Twitter too.” Ex. A. He further stated that
 20 as far as any “abuse report[s]” were concerned, he was “definitely in this journey
 21 with you.”
 22

23 12. On January 8, 2021, for the first time since December 19, AWS sent
 24 specific examples to Parler of content that encouraged or incited violence. I or my
 25
 26



1 staff removed the content as soon as practicable after our server difficulties on
 2 January 8.
 3

4 13. In the wake of Twitter banning President Trump, on that same
 5 afternoon, Friday, January 8, Parler experienced an intense burst of activity and
 6 new users, causing it to shut down for approximately seven hours in the afternoon
 7 and evening. During that period, approximately 26,000 instances of content that
 8 potentially encouraged violence, or otherwise violated Parler's Terms of Service
 9 were posted and flagged.
 10

11 14. As soon as Parler was back up and running, it began to remove this
 12 content, something that was communicated to AWS. By the end of Sunday,
 13 January 10, 2021, Parler's jury had reviewed all but approximately one thousand
 14 of these reported posts in those 48 hours—a total of over 25,000, or close to 1,000
 15 problematic posts reviewed in about an hour.
 16

17 15. Early in the afternoon on Sunday, January 10, I emailed the AWS
 18 Trust and Safety Team, informing them of additional steps Parler had taken since
 19 the morning before to address the recent surge in incitement and threats on our
 20 platform. Ex. C. I reminded AWS that I had informed them in a phone conversation
 21 the previous morning that “we have been taking this content very seriously for
 22 weeks, as well as working closely with law enforcement.” *Id.* I then laid out the
 23 additional measures we had implemented. *See id.*
 24



1 16. Due to AWS's actions, I have received a number of hostile comments
2 and messages through social media. I also learned this morning that AWS's actions
3 have now affected my academic career: Bepress, a cloud hosting company for
4 scholarship, has apparently removed from its servers the page containing links to
5 my academic articles on privacy.
6

8 I declare under penalty of perjury that the foregoing is true and correct.
9

10 Executed on January 13, 2021 at Austin, Texas.
11

12 *Amy Peikoff*

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PEIKOFF DECLARATION - 6



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